

1 (B) the interpretation of the historical, cul-
 2 tural, scientific, archaeological, natural, and
 3 educational resources of the Conservation Area.

4 (2) COOPERATIVE AGREEMENTS.—The Sec-
 5 retary may, in a manner consistent with this sub-
 6 title, enter into cooperative agreements with the
 7 State of New Mexico and other institutions and or-
 8 ganizations to carry out the purposes of this sub-
 9 title.

10 (f) WATER RIGHTS.—Nothing in this subtitle con-
 11 stitutes an express or implied reservation of any water
 12 right.

13 **SEC. 114. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated such sums
 15 as are necessary to carry out this subtitle.

16 **Subtitle C—Paleontological**
 17 **Resources Preservation**

18 **SEC. 121. DEFINITIONS.**

19 In this subtitle:

20 (1) CASUAL COLLECTING.—The term “casual
 21 collecting” means the collecting of a reasonable
 22 amount of common invertebrate and plant paleon-
 23 tological resources for non-commercial personal use,
 24 either by surface collection or the use of non-pow-
 25 ered hand tools resulting in only negligible disturb-

1 ance to the Earth’s surface and other resources. As
2 used in this paragraph, the terms “reasonable
3 amount”, “common invertebrate and plant paleon-
4 tological resources” and “negligible disturbance”
5 shall be determined by the Secretary.

6 (2) FEDERAL LAND.—The term “Federal land”
7 means—

8 (A) land controlled or administered by the
9 Secretary of the Interior, except Indian land; or

10 (B) National Forest System land con-
11 trolled or administered by the Secretary of Ag-
12 riculture.

13 (3) INDIAN LAND.—The term “Indian Land”
14 means land of Indian tribes, or Indian individuals,
15 which are either held in trust by the United States
16 or subject to a restriction against alienation imposed
17 by the United States.

18 (4) PALEONTOLOGICAL RESOURCE.—The term
19 “paleontological resource” means any fossilized re-
20 mains, traces, or imprints of organisms, preserved in
21 or on the earth’s crust, that are of paleontological
22 interest and that provide information about the his-
23 tory of life on earth, except that the term does not
24 include—

1 (A) any materials associated with an ar-
2 chaeological resource (as defined in section 3(1)
3 of the Archaeological Resources Protection Act
4 of 1979 (16 U.S.C. 470bb(1)); or

5 (B) any cultural item (as defined in section
6 2 of the Native American Graves Protection
7 and Repatriation Act (25 U.S.C. 3001)).

8 (5) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior with respect to land
10 controlled or administered by the Secretary of the
11 Interior or the Secretary of Agriculture with respect
12 to National Forest System land controlled or admin-
13 istered by the Secretary of Agriculture.

14 (6) STATE.—The term “State” means the 50
15 States, the District of Columbia, the Commonwealth
16 of Puerto Rico, and any other territory or possession
17 of the United States.

18 **SEC. 122. MANAGEMENT.**

19 (a) IN GENERAL.—The Secretary shall manage and
20 protect paleontological resources on Federal land using
21 scientific principles and expertise. The Secretary shall de-
22 velop appropriate plans for inventory, monitoring, and the
23 scientific and educational use of paleontological resources,
24 in accordance with applicable agency laws, regulations,
25 and policies. These plans shall emphasize interagency co-

1 ordination and collaborative efforts where possible with
2 non-Federal partners, the scientific community, and the
3 general public.

4 (b) COORDINATION.—To the extent possible, the Sec-
5 retary of the Interior and the Secretary of Agriculture
6 shall coordinate in the implementation of this subtitle.

7 **SEC. 123. PUBLIC AWARENESS AND EDUCATION PROGRAM.**

8 The Secretary shall establish a program to increase
9 public awareness about the significance of paleontological
10 resources.

11 **SEC. 124. COLLECTION OF PALEONTOLOGICAL RE-**
12 **SOURCES.**

13 (a) PERMIT REQUIREMENT.—

14 (1) IN GENERAL.—Except as provided in this
15 subtitle, a paleontological resource may not be col-
16 lected from Federal land without a permit issued
17 under this subtitle by the Secretary.

18 (2) CASUAL COLLECTING EXCEPTION.—The
19 Secretary may allow casual collecting without a per-
20 mit on Federal land controlled or administered by
21 the Bureau of Land Management, the Bureau of
22 Reclamation, and the Forest Service, where such col-
23 lection is consistent with the laws governing the
24 management of those Federal land and this subtitle.

1 (3) PREVIOUS PERMIT EXCEPTION.—Nothing in
2 this section shall affect a valid permit issued prior
3 to the date of enactment of this Act.

4 (b) CRITERIA FOR ISSUANCE OF A PERMIT.—The
5 Secretary may issue a permit for the collection of a paleon-
6 tological resource pursuant to an application if the Sec-
7 retary determines that—

8 (1) the applicant is qualified to carry out the
9 permitted activity;

10 (2) the permitted activity is undertaken for the
11 purpose of furthering paleontological knowledge or
12 for public education;

13 (3) the permitted activity is consistent with any
14 management plan applicable to the Federal land
15 concerned; and

16 (4) the proposed methods of collecting will not
17 threaten significant natural or cultural resources.

18 (c) PERMIT SPECIFICATIONS.—A permit for the col-
19 lection of a paleontological resource issued under this sec-
20 tion shall contain such terms and conditions as the Sec-
21 retary deems necessary to carry out the purposes of this
22 subtitle. Every permit shall include requirements that—

23 (1) the paleontological resource that is collected
24 from Federal land under the permit will remain the
25 property of the United States;

1 (2) the paleontological resource and copies of
2 associated records will be preserved for the public in
3 an approved repository, to be made available for sci-
4 entific research and public education; and

5 (3) specific locality data will not be released by
6 the permittee or repository without the written per-
7 mission of the Secretary.

8 (d) MODIFICATION, SUSPENSION, AND REVOCATION
9 OF PERMITS.—

10 (1) The Secretary may modify, suspend, or re-
11 voke a permit issued under this section—

12 (A) for resource, safety, or other manage-
13 ment considerations; or

14 (B) when there is a violation of term or
15 condition of a permit issued pursuant to this
16 section.

17 (2) The permit shall be revoked if any person
18 working under the authority of the permit is con-
19 victed under section 126 or is assessed a civil pen-
20 alty under section 127.

21 (e) AREA CLOSURES.—In order to protect paleon-
22 tological or other resources and to provide for public safe-
23 ty, the Secretary may restrict access to or close areas
24 under the Secretary's jurisdiction to the collection of pale-
25 ontological resources.

1 **SEC. 125. CURATION OF RESOURCES.**

2 Any paleontological resource, and any data and
3 records associated with the resource, collected under a per-
4 mit, shall be deposited in an approved repository. The Sec-
5 retary may enter into agreements with non-Federal reposi-
6 tories regarding the curation of these resources, data, and
7 records.

8 **SEC. 126. PROHIBITED ACTS; CRIMINAL PENALTIES.**

9 (a) IN GENERAL.—A person may not—

10 (1) excavate, remove, damage, or otherwise
11 alter or deface or attempt to excavate, remove, dam-
12 age, or otherwise alter or deface any paleontological
13 resources located on Federal land unless such activ-
14 ity is conducted in accordance with this subtitle;

15 (2) exchange, transport, export, receive, or offer
16 to exchange, transport, export, or receive any pale-
17 ontological resource if, in the exercise of due care,
18 the person knew or should have known such resource
19 to have been excavated or removed from Federal
20 land in violation of any provisions, rule, regulation,
21 law, ordinance, or permit in effect under Federal
22 law, including this subtitle; or

23 (3) sell or purchase or offer to sell or purchase
24 any paleontological resource if, in the exercise of due
25 care, the person knew or should have known such re-
26 source to have been excavated, removed, sold, pur-

1 chased, exchanged, transported, or received from
2 Federal land.

3 (b) FALSE LABELING OFFENSES.—A person may not
4 make or submit any false record, account, or label for,
5 or any false identification of, any paleontological resource
6 excavated or removed from Federal land.

7 (c) PENALTIES.—A person who knowingly violates or
8 counsels, procures, solicits, or employs another person to
9 violate subsection (a) or (b) shall, upon conviction, be
10 fined in accordance with title 18, United States Code, or
11 imprisoned not more than 10 years, or both; but if the
12 sum of the commercial and paleontological value of the
13 paleontological resources involved and the cost of restora-
14 tion and repair of such resources does not exceed \$500,
15 such person shall be fined in accordance with title 18,
16 United States Code, or imprisoned not more than 1 year,
17 or both.

18 (d) GENERAL EXCEPTION.—Nothing in subsection
19 (a) shall apply to any person with respect to any paleon-
20 tological resource which was in the lawful possession of
21 such person prior to the date of enactment of this Act.

22 **SEC. 127. CIVIL PENALTIES.**

23 (a) IN GENERAL.—

24 (1) HEARING.—A person who violates any pro-
25 hibition contained in an applicable regulation or per-

1 mit issued under this subtitle may be assessed a
2 penalty by the Secretary after the person is given
3 notice and opportunity for a hearing with respect to
4 the violation. Each violation shall be considered a
5 separate offense for purposes of this section.

6 (2) AMOUNT OF PENALTY.—The amount of
7 such penalty assessed under paragraph (1) shall be
8 determined under regulations promulgated pursuant
9 to this subtitle, taking into account the following
10 factors:

11 (A) The scientific or fair market value,
12 whichever is greater, of the paleontological re-
13 source involved, as determined by the Secretary.

14 (B) The cost of response, restoration, and
15 repair of the resource and the paleontological
16 site involved.

17 (C) Any other factors considered relevant
18 by the Secretary assessing the penalty.

19 (3) MULTIPLE OFFENSES.—In the case of a
20 second or subsequent violation by the same person,
21 the amount of a penalty assessed under paragraph
22 (2) may be doubled.

23 (4) LIMITATION.—The amount of any penalty
24 assessed under this subsection for any 1 violation
25 shall not exceed an amount equal to double the cost

1 of response, restoration, and repair of resources and
2 paleontological site damage plus double the scientific
3 or fair market value of resources destroyed or not
4 recovered.

5 (b) PETITION FOR JUDICIAL REVIEW; COLLECTION
6 OF UNPAID ASSESSMENTS.—

7 (1) JUDICIAL REVIEW.—Any person against
8 whom an order is issued assessing a penalty under
9 subsection (a) may file a petition for judicial review
10 of the order in the United States District Court for
11 the District of Columbia or in the district in which
12 the violation is alleged to have occurred within the
13 30-day period beginning on the date the order mak-
14 ing the assessment was issued. Upon notice of such
15 filing, the Secretary shall promptly file such a cer-
16 tified copy of the record on which the order was
17 issued. The court shall hear the action on the record
18 made before the Secretary and shall sustain the ac-
19 tion if it is supported by substantial evidence on the
20 record considered as a whole.

21 (2) FAILURE TO PAY.—If any person fails to
22 pay a penalty under this section within 30 days—

23 (A) after the order making assessment has
24 become final and the person has not filed a pe-

1 tition for judicial review of the order in accord-
2 ance with paragraph (1); or

3 (B) after a court in an action brought in
4 paragraph (1) has entered a final judgment up-
5 holding the assessment of the penalty, the Sec-
6 retary may request the Attorney General to in-
7 stitute a civil action in a district court of the
8 United States for any district in which the per-
9 son if found, resides, or transacts business, to
10 collect the penalty (plus interest at currently
11 prevailing rates from the date of the final order
12 or the date of the final judgment, as the case
13 may be). The district court shall have jurisdic-
14 tion to hear and decide any such action. In
15 such action, the validity, amount, and appro-
16 priateness of such penalty shall not be subject
17 to review. Any person who fails to pay on a
18 timely basis the amount of an assessment of a
19 civil penalty as described in the first sentence of
20 this paragraph shall be required to pay, in addi-
21 tion to such amount and interest, attorneys fees
22 and costs for collection proceedings.

23 (c) HEARINGS.—Hearings held during proceedings
24 instituted under subsection (a) shall be conducted in ac-
25 cordance with section 554 of title 5, United States Code.

1 (d) USE OF RECOVERED AMOUNTS.—Penalties col-
2 lected under this section shall be available to the Secretary
3 and without further appropriation may be used only as
4 follows:

5 (1) To protect, restore, or repair the paleon-
6 tological resources and sites which were the subject
7 of the action, or to acquire sites with equivalent re-
8 sources, and to protect, monitor, and study the re-
9 sources and sites. Any acquisition shall be subject to
10 any limitations contained in the organic legislation
11 for such Federal land.

12 (2) To provide educational materials to the
13 public about paleontological resources and sites.

14 (3) To provide for the payment of rewards as
15 provided in section 128.

16 **SEC. 128. REWARDS AND FORFEITURE.**

17 (a) REWARDS.—The Secretary may pay from pen-
18 alties collected under section 126 or 127—

19 (1) consistent with amounts established in regu-
20 lations by the Secretary; or

21 (2) if no such regulation exists, an amount
22 equal to the lesser of $\frac{1}{2}$ of the penalty or \$500, to
23 any person who furnishes information which leads to
24 the finding of a civil violation, or the conviction of
25 criminal violation, with respect to which the penalty

1 was paid. If several persons provided the informa-
2 tion, the amount shall be divided among the persons.
3 No officer or employee of the United States or of
4 any State or local government who furnishes infor-
5 mation or renders service in the performance of his
6 official duties shall be eligible for payment under
7 this subsection.

8 (b) FORFEITURE.—All paleontological resources with
9 respect to which a violation under section 126 or 127 oc-
10 curred and which are in the possession of any person, and
11 all vehicles and equipment of any person that were used
12 in connection with the violation, shall be subject to civil
13 forfeiture, or upon conviction, to criminal forfeiture. All
14 provisions of law relating to the seizure, forfeiture, and
15 condemnation of property for a violation of this subtitle,
16 the disposition of such property or the proceeds from the
17 sale thereof, and remission or mitigation of such for-
18 feiture, as well as the procedural provisions of chapter 46
19 of title 18, United States Code, shall apply to the seizures
20 and forfeitures incurred or alleged to have incurred under
21 the provisions of this subtitle.

22 (c) TRANSFER OF SEIZED RESOURCES.—The Sec-
23 retary may transfer administration of seized paleontolog-
24 ical resources to Federal or non-Federal educational insti-
25 tutions to be used for scientific or educational purposes.

1 **SEC. 129. CONFIDENTIALITY.**

2 Information concerning the nature and specific loca-
3 tion of a paleontological resource the collection of which
4 requires a permit under this subtitle or under any other
5 provision of Federal law shall be exempt from disclosure
6 under section 552 of title 5, United States Code, and any
7 other law unless the Secretary determines that disclosure
8 would—

9 (1) further the purposes of this subtitle;

10 (2) not create risk of harm to or theft or de-
11 struction of the resource or the site containing the
12 resource; and

13 (3) be in accordance with other applicable laws.

14 **SEC. 130. REGULATIONS.**

15 As soon as practical after the date of enactment of
16 this Act, the Secretary shall issue such regulations as are
17 appropriate to carry out this subtitle, providing opportuni-
18 ties for public notice and comment.

19 **SEC. 131. SAVINGS PROVISIONS.**

20 Nothing in this subtitle shall be construed to—

21 (1) invalidate, modify, or impose any additional
22 restrictions or permitting requirements on any ac-
23 tivities permitted at any time under the general min-
24 ing laws, the mineral or geothermal leasing laws,
25 laws providing for minerals materials disposal, or
26 laws providing for the management or regulation of

1 the activities authorized by the aforementioned laws
2 including but not limited to the Federal Land Policy
3 Management Act (43 U.S.C. 1701–1784), Public
4 Law 94–429 (commonly known as the “Mining in
5 the Parks Act”) (16 U.S.C. 1901 et seq.), the Sur-
6 face Mining Control and Reclamation Act of 1977
7 (30 U.S.C. 1201–1358), and the Organic Adminis-
8 tration Act (16 U.S.C. 478, 482, 551);

9 (2) invalidate, modify, or impose any additional
10 restrictions or permitting requirements on any ac-
11 tivities permitted at any time under existing laws
12 and authorities relating to reclamation and multiple
13 uses of Federal land;

14 (3) apply to, or require a permit for, casual col-
15 lecting of a rock, mineral, or invertebrate or plant
16 fossil that is not protected under this subtitle;

17 (4) affect any land other than Federal land or
18 affect the lawful recovery, collection, or sale of pale-
19 ontological resources from land other than Federal
20 land;

21 (5) alter or diminish the authority of a Federal
22 agency under any other law to provide protection for
23 paleontological resources on Federal land in addition
24 to the protection provided under this subtitle; or

1 (6) create any right, privilege, benefit, or enti-
 2 tlement for any person who is not an officer or em-
 3 ployee of the United States acting in that capacity.
 4 No person who is not an officer or employee of the
 5 United States acting in that capacity shall have
 6 standing to file any civil action in a court of the
 7 United States to enforce any provision or amend-
 8 ment made by this subtitle.

9 **SEC. 132. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated such sums
 11 as may be necessary to carry out this subtitle.

12 **Subtitle D—Snake River Birds of**
 13 **Prey National Conservation Area**

14 **SEC. 141. SNAKE RIVER BIRDS OF PREY NATIONAL CON-**
 15 **SERVATION AREA.**

16 (a) RENAMING.—Public Law 103–64 is amended—

17 (1) in section 2(2) (16 U.S.C. 460iii–1(2)), by
 18 inserting “Morley Nelson” before “Snake River
 19 Birds of Prey National Conservation Area”; and

20 (2) in section 3(a)(1) (16 U.S.C. 460iii–
 21 2(a)(1)), by inserting “Morley Nelson” before
 22 “Snake River Birds of Prey National Conservation
 23 Area”.

24 (b) REFERENCES.—Any reference in a law, map, reg-
 25 ulation, document, paper, or other record of the United